

CALIFORNIA VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD
OPEN MEETING MINUTES
MARCH 19, 2004
10:00 A.M.
630 "K" STREET
FIRST FLOOR HEARING ROOM
SACRAMENTO, CALIFORNIA

The California Victim Compensation and Government Claims Board convened its regular session at the call of the chairperson Fred Aguiar, Secretary, State and Consumer Services, at the First Floor Hearing Room, 630 "K" Street, Sacramento, California, on Friday, March 19, 2004, at 10:02 a.m. Also present were Board members Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller, and Michael Ramos, San Bernardino County District Attorney.

Board staff present included Catherine Close, Interim Executive Officer; Judith Kopec, Interim Chief Counsel; Richard Anderson, Chief Deputy Executive Officer; Christina M. Aceituno, Manager, Government Claims Division; in the audience were David Shaw, Deputy Executive Officer, Revenue Recovery and Appeals Division; Janice Hill, Chief Hearing Officer, Hearing and Appeals Division; Pete Williams, Deputy Executive Officer, Victim Compensation Program; and Shirley Ramudo, Chief, Audits Branch. Sally Gill, Board Liaison, recorded the meeting.

The Board meeting commenced with the pledge of allegiance.

The Board voted to adopt the February 27, 2004, Board Meeting minutes.

EXECUTIVE OFFICER'S REPORT

Ms. Close discussed the "Executive Officer's Report" dated March 19, 2004. Ms. Close reported on her visit to the University of California San Francisco (UCSF) Trauma Center, which is in the third year of its four-year pilot program. Staff from the UCSF Trauma Center are scheduled to report on the current status of the pilot program at the April Board meeting, and pursuant to statutory requirements, the Board will report to the Legislature about the pilot program in May 2004. Next, Ms. Close commented on the completion of the Board's 2004 Annual Report. Ms. Close then noted that Victims' Rights Week is April 18 - 24, 2004. This year to support Victims' Right Week, the Board has targeted all California hospitals and plans to provide them with necessary information regarding the Victim Compensation Program. Finally, Ms. Close reported on the Budget Hearing and questions raised about the Board's administrative cost in the Victim Compensation Program. Ms. Close noted that administrative costs have significantly been reduced due to a 23 percent reduction of positions within the Board, a freeze on positions within the counties, and reduced travel. However, the Legislative Analyst recommended the Board cut the county restitution contracts. David Shaw, Deputy Executive Officer, Revenue Recovery and Appeals Division, (RRAD), provided a general analysis on the financial impact this cut would have on the Board. Mr. Aguiar strongly suggested that Board staff provide an analysis on a further reduction of administrative costs.

GOVERNMENT CLAIMS PROGRAM

The Board commenced the Government Claims Program portion of the meeting at 10:15 a.m.

Item 1¹ The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda dated March 4, 2004, with the following changes:

Item 98 **Claimant: Dale Fischer** **G542301**

The claimant requested to continue the late claim application.

Item 164 **Claimant: Anton Hoffman** **G543720**

The Department of Water Resources requested to continue the claim.

Item 165 **Claimant: Los Angeles Truck Centers LLC** **G543721**

The claimant requested to continue the claim.

A.	Total claims awarded on consent	71	
	To be paid under GC § 965	10 For	\$50,458.58
	To be paid under claims bill	61 For	\$142,131.02
B.	Claims rejected on consent	133	

Item 2 **CLAIMANT: Greg McAllister** **G541461**

The Board voted to adopt the staff recommendation to partially allow the claim for the amount of \$120.94 pursuant to Government Code section 13928.

Item 3 **CLAIMANT: Sampath Suryadevara** **G537849**

The Board voted to adopt the staff recommendation to allow the claim for the amount of \$7,559.06 pursuant to Government Code section 13928.

Item 4 **CLAIMANT: Sun Microsystems, Inc.** **G541771**

Kapiolani Lyman, Senior Legal Analyst; Angela Gladden, Chief; and Gretchen Brigaman, Policy Analyst; all appeared on behalf of the Department of Transportation. After discussion, the Board voted to adopt the staff recommendation to allow the claim in the amount of \$147,349.00 pursuant to Government Code section 965.

The Government Claims Program was completed at 10:30 a.m.

VICTIM COMPENSATION PROGRAM

The Board commenced the Victim Compensation Program portion of the meeting at 10:30 a.m.

REQUESTS FOR RECONSIDERATION

The Board voted to adopt the staff recommendations to allow the following requests for reconsideration for agenda item numbers 1 through 2, deny request for reconsideration for agenda item number 3, and deny request for reconsideration after Board action on a proposed decision for agenda item number 4.

3. CLAIMANT **754214V**

4. CLAIMANT **677442V**

Michael Siegel, attorney, appeared on behalf of the applicant. After discussion the Board voted to adopt the staff recommendation to deny the request for reconsideration.

The Board voted to adopt the staff recommendations on the balance of claims for which appeals were withdrawn or deemed to be withdrawn and took action on claims for which a hearing was denied under the California Code of Regulations, title 2, section 647.20.1, agenda item numbers 5 through 35.

PUBLIC COMMENT

Michael Siegel, attorney, brought two issues to the attention of the Board members. First, Mr. Siegel suggested the Board relax the rules on service limitations to help reduce administrative costs. Second, Mr. Siegel suggested transcripts be required and attached to all proposed decisions so the Board members can see the argument from the applicant's point of view. In response to the first issue, Mr. Aguiar directed staff to respond to Mr. Siegel's concerns, and Judith Kopec, Interim Chief Counsel, addressed the second issue. Ms. Kopec stated the Board has the option to request a transcript pertaining to any proposed decision. In addition, an applicant or representative may request the transcript or a copy of the hearing tape for a hearing. Finally, pursuant to the Board's regulations the Board can hear the matter itself by reviewing the written record, including the transcripts, or can hear testimony to decide the case itself.

CLOSED EXECUTIVE SESSION (GC § 11126(c)(3))

Pursuant to Government Code section 11126(c)(3), the Board members adjourned into a closed Executive Session with the Board's Interim Chief Counsel at 10:50 a.m., to deliberate on the proposed decisions that were taken under submission during the meeting.

The Board reconvened into an open session at 10:55 a.m.

PROPOSED DECISIONS

Item 36 **CLAIMANT** **254104V**

The Board voted to adopt the proposed decision.

Item 37 **CLAIMANT** **267849V**

The Board voted to adopt the proposed decision.

Item 38 **CLAIMANT** **534353V**

The Board voted to adopt the proposed decision.

Item 39 **CLAIMANT** **608752V**

The Board voted to continue the matter.

Item 40 **CLAIMANT** **609306V**

The Board voted to adopt the proposed decision.

Item 41 **CLAIMANT** **615833V**

The Board voted to adopt the proposed decision.

Item 42 **CLAIMANT** **621539V**

The Board voted to continue the matter.

Item 43 **CLAIMANT** **715185V**

The Board voted to adopt the proposed decision.

Item 44 CLAIMANT 742809V

The Board voted to adopt the proposed decision.

Item 45 CLAIMANT 745051V

The Board voted to adopt the proposed decision.

Item 46 CLAIMANTS 747983V, 738832V, 742686V, 742699V, 742707V & 742701V

The Board voted to adopt the proposed decision.

Item 47 CLAIMANT 755602V

The Board voted to adopt the proposed decision.

Item 48 CLAIMANTS 764539V & 764540V

The Board voted to adopt the proposed decision.

Item 49 CLAIMANT 764735V

The Board voted to adopt the proposed decision.

Item 50 CLAIMANT 768759V

The Board voted to remand to the Hearing Officer for additional verification of income loss.

Item 51 CLAIMANT 769211V

The Board voted to adopt the proposed decision.

Item 52 CLAIMANT 772254V

The Board voted to adopt the proposed decision.

Item 53 CLAIMANT 777337V

The Board voted to adopt the proposed decision.

Item 54 CLAIMANT 779868V

The Board voted to adopt the proposed decision.

Item 55 CLAIMANTS 782747V & 779107V

The Board voted to adopt the proposed decision.

The meeting was adjourned at 11:00 a.m.

CATHERINE A. CLOSE
Interim Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of _____ at _____, California.

Date: _____ By: _____

Sally Gill
Board Liaison

(Affix seal here)